

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P. No. 2847 of 2019

Shanthi

...Petitioner

-vs-

1.The State represented by
Additional Secretary to Government,
(Home), Government of Puducherry,
Chief Secretariat,
Gubert Avenue, Puducherry-605001.

2.The District Magistrate-cum- Authorised Officer,
1st Floor, Vazhadhavoor Road,
Kavundanpalayam,
Puducherry-605009.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records of the Detention Order vide 15/DM/RO/D2/PPASAA/2019 dated 02.12.2019 on the file of the 2nd respondent and quash the same and produce the petitioner's son Sundar @ Sakthivel @ Maduvupet Sundar, S/o. Muthukrishnan, aged 30 years, confined at Central Prison, Kalapet, Puducherry, before this Court and set him at liberty.

For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mr.D.Bharatha Chakravarthy
: Public Prosecutor (Puducherry)

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the mother of the detenu Sundar @ Sakthivel @ Maduvupet Sundar, S/o. Muthukrishnan, aged 30 years. The detenu has been detained by the second respondent by his

order in No.15/DM/RO/D2/PPASAA/2019 dated 02.12.2019, holding him to be a "Dangerous Person", as contemplated under sub section (2) of Section 3 of the Puducherry Prevention of Anti-social Activities Act, 2008 (Act No.10 of 2010). The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner, learned counsel appearing for the first respondent and the learned Public Prosecutor (Puducherry) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.The learned counsel for the petitioner assailed the order of detention on the ground that the representation of the detenu dated 12.12.2019 has not been considered by the Government and forwarded to the Collector. Hence the order of detention is liable to be quashed.

4.There is no satisfactory explanation offered by the learned Additional Public Prosecutor appearing for the detaining authority.

5. On a perusal of the booklet furnished to the detenu and the grounds of detention, it is seen that the representation of the detenu has not been considered by the Government. This would vitiate the order of detention. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.15/DM/RO/D2/PPASAA/2019 dated 02.12.2019, passed by the second respondent is set aside. The detenu Sundar @ Sakthivel @ Maduvupet Sundar, S/o. Muthukrishnan, aged 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

सत्यमेव जयते
Assistant Registrar(AD I)MDU

//True Copy//

Sub Assistant Registrar

raa/mmi/ssm

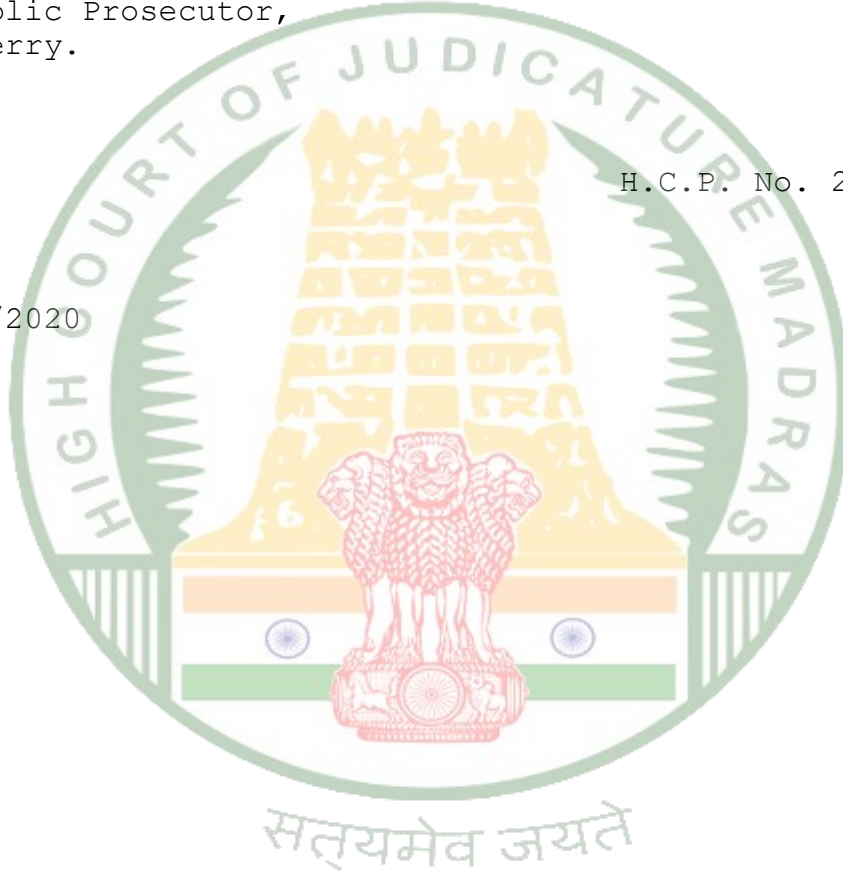
To

1.The Additional Secretary to Government,
(Home), Government of Puducherry,
Chief Secretariat,
Gubert Avenue, Puducherry-605001.

2. The District Magistrate-cum- Authorised Officer,
1st Floor, Vazhadhavoor Road,
Kavundanpalayam,
Puducherry-605009
3. The Superintendent, Central Prison, Kalapet,
Puducherry.
4. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai - 9.
5. The Public Prosecutor,
Puducherry.

H.C.P. No. 2847 of 2019

RLD(CO)
KKV/29/07/2020



WEB COPY